

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
(800) 684-6560

 @pa_oca
 /pennoca
FAX (717) 783-7152
consumer@paoca.org
www.oca.pa.gov

December 13, 2023

Chairman Stephen M. DeFrank
Vice Chairman Kimberly M. Barrow
Commissioner Ralph V. Yanora
Commissioner Kathryn M. Zerfuss
Commissioner John F. Coleman
Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Pennsylvania Public Utility Commission
v.
Pennsylvania-American Water Company
Docket Nos. R-2023-3043189 (Water)
R-2023-3043190 (Wastewater)

Dear Commissioners:

The Office of Consumer Advocate (OCA) requests that the Public Utility Commission exercise its discretion to designate the August 1, 2024 Public Meeting as the date for the issuance of a Commission order for purposes of setting a procedural schedule for the captioned Pennsylvania-American Water Company (PAWC) rate cases. The Office of Small Business Advocate, the Commission's Bureau of Investigation & Enforcement, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Commission on Economic Opportunity, Cleveland-Cliffs Steel, and the Pennsylvania-American Water Large Users Group join in this request.¹

At the next Public Meeting scheduled for December 21, 2023, we anticipate that the Commission will suspend PAWC's filings for seven months, to August 7, 2024. Relative to that date, the Commission currently has Public Meetings scheduled on August 1, 2024 (six days prior) and July 11, 2024 (27 days prior). We have heard from the ALJs who will be assigned to the rate cases upon suspension that they believe they must set a procedural schedule using the

¹ Counsel for PAWC authorized the OCA to represent that it takes no position on which Public Meeting date is used for the purposes of establishing a procedural schedule. Also, PAWC has represented that it will not voluntarily agree to an extension of the suspension period.

July 11 Public Meeting date because the Commission has directed in prior orders² that its internal review processes require 10 to 14 days between the Public Meeting and expiration of the suspension period for preparation of a rewrite order.

As a practical matter, using the July 11 Public Meeting would unnecessarily compress the procedural schedule by three weeks. Using the August 1 Public Meeting instead would avoid prejudice to all non-Company litigants, while still providing Commission staff six days to prepare and enter a revised Commission Opinion and Order following that public meeting.³

The Commission has the statutory authority and discretion under 66 Pa. C.S. § 1308(d) to decide key procedural questions that will impact the scheduling of hearings and the setting of a litigation schedule in this case. Moreover, where the procedural decisions to be made by the Commission can avoid prejudice to all litigants, the Commission should exercise its discretion at the earliest opportunity and provide appropriate direction to the Office of Administrative Law Judge and all parties in the proceeding.

This exercise of discretion is appropriate and particularly critical given the magnitude of PAWC's proposed base rate increases (\$203.9 million) and its new surcharge, decoupling mechanism and residential wastewater billing proposals,⁴ and that this rate increase was filed only nine months after PAWC's last rate increase of \$138 million went into effect. Given the proposed bill impacts and the number of customers affected, formal complaints, and requests for public input hearings received by the OCA from consumers and legislators, we will request that public input hearings be scheduled to provide opportunity for customers to speak on the record.

For these important reasons, the Commission should exercise its authority and discretion to protect the non-Company parties' ability to effectively participate in the case. We respectfully request that the Commission provide direction to the Presiding Officers and the parties that the August 1, 2024 Public Meeting date can be used for setting a procedural schedule in this matter. This direction could be as part of the upcoming Suspension Order issued at the December 21, 2023 Public Meeting; having that certainty as early in the process as possible will benefit all participants.

² See *Pa. PUC v. Columbia Gas of Pa., Inc.*, R-2020-3018835 at 21, n.10 (Order Aug. 20, 2020); see also *Pa. PUC v. Pennsylvania-American Water Co.*, R-2020-3019369 at 21, n.10 (Order Aug. 20, 2020). Both orders were issued during the emergency situation of the COVID-19 pandemic, which has since lifted.

³ Also, the Commission has tools available to balance the needs of its staff and the parties to the litigation by, for example, using notational voting on July 26, 2024 that could be ratified at the August 1, 2024 Public Meeting. This would serve to provide its staff with 10 days for preparation of a rewrite while mitigating the impact on the time available for development of the evidentiary record.

⁴ See PAWC filing, Vol. I, Statement of Reasons at 1, 5-6.

December 13, 2023

Page 3

Thank you for your consideration of this important procedural issue in advance of your consideration of the issuance of a Suspension Order.

Sincerely,



Patrick M. Cicero
Consumer Advocate

Enclosure: Certificate of Service

Cc: Secretary Rosemary Chiavetta (via eFiling)
Honorable Charles E. Rainey, Jr. (via email)
Honorable Christopher P. Pell (via email)
Honorable John Coogan (via email)
Paul Diskin, Technical Utility Services (via email)
Kimberly A. Hafner, Office of Special Assistants (via email)
David E. Screven, Law Bureau (via email)
Parties of Record (via email)

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
v. : Docket Nos. R-2023-3043189 (Water)
Pennsylvania-American Water Company : R-2023-3043190 (Wastewater)
:

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Letter re: PAWC Rate Case Schedule, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below. This document was filed electronically on the Commission’s electronic filing system.

Dated this 13th day of December 2023.

SERVICE BY E-MAIL ONLY

Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
carwright@pa.gov
Counsel for I&E

Steven C. Gray, Esquire
Rebecca Lyttle, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
sgray@pa.gov
relyttle@pa.gov
Counsel for OSBA

Elizabeth Rose Triscari, Esquire
Teresa K. Harrold, Esquire
Erin K. Fure, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
elizabeth.triscari@amwater.com
teresa.harrold@amwater.com
erin.fure@amwater.com
Counsel for PAWC

Kenneth M. Kulak, Esquire
Brooke E. McGlinn, Esquire
Catherine Vasudevan, Esquire
Mark A. Lazaroff, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
ken.kulak@morganlewis.com
brooke.mcglinn@morganlewis.com
catherine.vasudevan@morganlewis.com
mark.lazaroff@morganlewis.com
Counsel for PAWC

Ria M. Pereira, Esquire
Lauren N. Berman, Esquire
John W. Sweet, Esquire
Elizabeth R. Marx, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
Counsel for “CEO”

SERVICE BY E-MAIL ONLY (continued)

Kurt J. Boehm, Esquire
Jody Kyler Cohn, Esquire
Boehm, Kurtz, & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com
Counsel for Cleveland-Cliffs Steel

Sean M. Gallagher, Esquire
Gallagher Law Group
110 East Diamond Street
Suite 101
Butler, PA 16001
smgallagher@gallagher.legal
Counsel for Cleveland-Cliffs Steel

Kirk Spencer
29 Greenwood Hills Drive
Mountain Top, PA 18707
kspencer80@hotmail.com

Amanda Johnsen
6106 Pond View Drive
Birdsboro, PA 19508
ajohnsen2@gmail.com

Leroy Bumbarger
741 Lincoln Road
Birdsboro, PA 19508
amybumbarger@gmail.com

Anne Lockwood & Michael Haehnel
747 Florida Ave
York, PA 17404
alockwood039@protonmail.com

Brian A. Gottschall
327 Gibraltar Road
Reading, PA 19606
mail@gottschall.org

Mark Henderson
5425 E. Lorane Road
Reading, PA 19606
markwh24@ptd.net

Keith Sauer
4824 Farming Ridge Blvd
Reading, PA 19606
keith.j.sauer@gmail.com

Jim Davidson
3804 Circle Ave
Reading, PA 19606
ifeel4u151@gmail.com

Andrew Kulp
102 Hartline Drive
Reading, PA 19606
andrewkulp@comcast.net

Natalie Rarick
785 Lilac Lane
Reading, PA 19606
natalierarick@aol.com

Robert K. Ralls
254 Red Haven Road
New Cumberland, PA 17070
rralls73@yahoo.com

Richard Tawadros
802 Kennedy Ct.
West Norriton, PA 19403-5250
RTAWADROS@PM.ME

L. Scott and Tacy M. Rutherford
60-2 Mint Tier
Reading, PA 19606
scotacy@icloud.com

David Ross
171 Scotland Drive
Reading, PA 19606
evakoci@hotmail.com

Phyllis Connelly
71 Bushkill Court
Reading, PA 19606
phyllisc@ptd.net

Anh Duong
4697 Pheasant Run
Reading, PA 19606
anhduo16@gmail.com

SERVICE BY E-MAIL ONLY (continued)

William Cameron and Linda Long
114 Murphy Circle
Bushkill, PA 18324
oshundaze@yahoo.com

Alecia M. Lilley
8 Ptarmigan Drive
Reading, PA 19606
amlcraft9@gmail.com

Kathleen Schwartz
205 Constitution Ave
Reading, PA 19606
dixie0418@verizon.net

Adam Nemchick
1106 Pepper Ridge Drive
Reading, PA 19606
adam.nemchick@yahoo.com

Michelle White
16 Ptarmigan Drive
Reading, PA 19606
Mwarwhite324@gmail.com

Darlene Hamilton
4231 Lynn Ave
Reading, PA 19606
Daramex1@yahoo.com

Lynn Deacosta
4525 Delmar Drive
Reading, PA 19606
daisflow@yahoo.com

Thomas J. Hollenbach
311 Lutz Drive
Reading, PA 19606
thollenbach@comcast.net

Lynn Mugno
1102 Strawberry Run
Reading, PA 19606
lynnmugno@gmail.com

Jennifer Dianna
3307 Orchard View Road
Reading, PA 19606
jdianna93@gmail.com

Shanna Weagle
1754 Robson Drive
Pittsburgh, PA 15241
shannaweagle@gmail.com

Jeff Henry
4621 Hillside Road
Reading, PA 19606
Jeffhenry1@me.com

Angelica Alvarez
13 N Savanna Drive
Pottstown, PA 19465
aalvarez422@gmail.com

John Miller
12 Elliot Drive
Reading, PA 19606
millerjjm722@gmail.com

Morgan Wengert
5 Nancy Circle
Reading, PA 19606
13wengert@gmail.com

Matthew J. Miller
4731 Doyle Road
Pittsburgh, PA 15227-1309
millema3@verizon.net

Devon Landis
735 Lilac Lane
Reading, PA 19606
dnlandis2021@gmail.com

Christopher Blake
133 Constitution Ave
Reading, PA 19606
changpinky@yahoo.com

Laura Semel
501 W 1st Ave
Parkesburg, PA 19365
laurasemel@yahoo.com

Patricia A. Finley
28 Bent Brook Circle
Reading, PA 19606
finleypatti@gmail.com

SERVICE BY E-MAIL ONLY (continued)

Robert Bifano
121 Falcon Lane
Archbald, PA 18403
bbifano@gmail.com

Dr. Mostafa Easa
1831 Pittston Ave
Scranton, PA 18505
easaphd@gmail.com

Mary Tanealian
9240 Westwood Drive
Tobyhanna, PA 18466
mjt919@yahoo.com

William H. Rissmiller
1006 Hickory Lane
Reading, PA 19606
whr19606@ptd.net

John P. Dolekary
6751 Smithfield Street
McKeesport, PA 15135
Jpd011961@gmail.com

Linda Allison
522 Pacific Ave
York, PA 17404
xdiver@verizon.net

Carl & Sharon Winter
52 Emily Ct
Reading, PA 19606
swwinter1@gmail.com

Raymond Volsario
501 Archers Mark
East Stroudsburg, PA 18301-9326
RMV924@gmail.com

Richard Peal
5565 Fairway Dr N
Reading, PA 19606
manadirt@gmail.com

Joseph Donahue
114 S Highland Drive
Pittston, PA 18640
jdon3542@gmail.com

Nicole Glimp
8 Hearthstone Drive
Reading, PA 19606
nnglimp@comcast.net

Brian Dugas
10 Monument Ave
Wyoming, PA 18644
briandugas54@gmail.com

Tao Lu
1309 Woodlawn Street
Dunmore, PA 18509
jeffluhousing@gmail.com

Todd Blum
7000 Baptist Road
Bethel Park, PA 15102
toddblum4@gmail.com

Anthony McCann
115 Lavra Lane
Royersford, PA 19468
anthonymccann@aol.com

Horace R. Battle
3 Roller Drive
Steelton, PA 17113
butterdog@comcast.net

Paul and Catherine Brown
114 W 36th Street
Reading, PA 19606
Ptbrown54@gmail.com

Charles L. Heydt
4580 Oley Turnpike Road
Reading, PA 19606
cheydt@ptd.net

Nicholas Orman
415 Hurst Street
Bridgeport, PA 19405
orman.nick@gmail.com

Robert M. Nowotarski
830 Woodchuck Lane
Reading, PA 19606
bnowotarski810@gmail.com

SERVICE BY E-MAIL ONLY (continued)

Jennifer Cohen
4972 Quince Drive
Reading, PA 19606
Jrudi415@gmail.com

Tracy Cosgrove
16 Prospect Ave
Scranton, PA 18505
tcosgrove07@hotmail.com

Matthew and Melissa Mengel
515 N 7th Ave
Royersford, PA 19468-3307
melissam3000@yahoo.com

Donald D. Dickerson
5405 E. Lorane Road
Reading, PA 19606
3ds4ws@gmail.com

Carla Seidel
110 Ashley Ave
Reading, PA 19606
carla.seidel@gmail.com

Amy E. Dalton
413 W Hemlock Ave
Kane, PA 16735
amkr_dalton@comcast.net

Mallory and Glenn Kercher
1113 Stonehenge Drive
Reading, PA 19606
mallory57@aol.com

Danielle Gabriel
245 Lincoln Hall Road
Elizabeth, PA 15037
ddgabriel913@gmail.com

Michael D. Fletcher
371 E Baumstown Road
Birdsboro, PA 19508
fletcher713@gmail.com

Mark Coogan
1115 Monroe Ave
Scranton, PA 18508
markcoogan1@gmail.com

Jay Phillips
73-4 Azalea Way
Reading, PA 19606
phillips2478@gmail.com

Carl W. Tunall Jr.
6103 Route 66
Kane, PA 16735
tbtunall@comcast.net

Steven Soloman
1402 Gun Club Road
Uniontown, PA 15401
steve@seeamericanhomes.com

Borough of St. Lawrence, Berks County
3540 St. Lawrence Avenue
Reading, PA 19606
stlawboro@ptd.net

Debora A. Sokol
4908 Mayapple Lane
Reading, PA 19606
dasokol825@yahoo.com

Audrey Gerold
131 Bayard Street
Kane, PA 16735
audrey.gerold@gmail.com

Robert Anderson
237 Regent Street
Bushkill, PA 18324
randerson6@gmail.com

Shaun Keperling
460 Wingspread Court
Reading, PA 19606
keperling@ieee.org

Matthew Jordan
5012 Quince Drive
Reading, PA 19606
Kalel1075@gmail.com

Cindy Cabrera
355 W Newton Ave
York, PA 17401
cbugg@hotmail.com

SERVICE BY E-MAIL ONLY (continued)

Carl J. Kupchunas
1451 Albright Ave
Scranton, PA 18509
carlkup@comcast.net

Gary Sirois
4902 Farming Ridge Blvd
Reading, PA 19606
garygilmore99@gmail.com

/s/ Erin L. Gannon

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
EGannon@paoca.org

Christopher M. Andreoli
Assistant Consumer Advocate
PA Attorney I.D. # 85676
CAndreoli@paoca.org

Andrew J. Zerby
Assistant Consumer Advocate
PA Attorney I.D. # 332222
AZerby@paoca.org

David T. Evrard
Assistant Consumer Advocate
PA Attorney I.D. # 33870
DEvrard@paoca.org

Melanie El Atieh
Senior Assistant Consumer Advocate
PA Attorney I.D. # 209323
MElAtieh@paoca.org

Counsel for:
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
717-783-5048
Dated: December 13, 2023
*4883-5200-1687